

## **REASONS FOR ALLOWANCE**

1. Claims 13-19 and 34 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 13 and 34, wherein the claimed invention comprises, in claims 19 and 34, a method of controlling a gap between at least one fixed plate and an electrostatically movable plate in a MEMs device, comprising: time modulating a control signal to a controlled current output that is variable voltage compliant to represent a desired gap between the fixed plate and the electrostatically movable plate; selectively routing a charge which is a function of the controlled current output' in claim 34, means for selectively setting a reference current onto a controlled current output that is variable voltage compliant, the controlled current output coupled to the MEMs device on the basis of the time modulated control signal; means for time modulating a control signal to represent a desired gap between the fixed plate and the electrostatically movable plate by a charge which is a function of the controlled current output and the modulated time, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI N. THOMAS whose telephone number is (571)272-2341. The examiner can normally be reached on Monday - Thursday from 6-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandi N Thomas/  
Examiner  
Art Unit 2873

BNT

/Ricky L. Mack/  
Supervisory Patent Examiner, Art Unit 2873